



## **Supreme Court of Kentucky**

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**John D. Minton, Jr.**  
Chief Justice of Kentucky

[www.courts.ky.gov](http://www.courts.ky.gov)

### **Address to the Kentucky Association of Counties**

**Chief Justice of Kentucky John D. Minton Jr.**  
**Wednesday, Nov. 19, 2008, 3:30 p.m.**  
**Lexington Convention Center, Lexington, Ky.**

### **Current Topics of Interest to County Officials**

Thank you for the opportunity to speak to you today. KACo is an important organization that promotes essential services for county officials and a statewide voice for county governments, and I am honored to be here to address all of Kentucky's elected county officials.

I had the pleasure of meeting with your executive director, Bob Arnold, and your president-elect, Mike Foster, in my chambers in Bowling Green shortly after I was elected as chief justice.

From 1992 till 2003, I served as circuit judge in Warren County, and in that capacity learned the value of a good working relationship between the court and the elected county officials. I want to continue a good working relationship with county governments and a positive dialogue between KACo and the Court of Justice throughout my tenure as chief justice.

I realize that the description on the agenda for my talk with you here today is rather generic. "Current topics of interest to county officials" could cover a multitude of issues. But I have in mind two topics of interest to the KCOJ and counties that I believe are probably at the forefront for most county officials.

I know the first issue, jail populations, is on your minds because that was on Mike Buchanan's mind every time he called me when I was on the circuit bench, and it was addressed by two of your members, Bob Arnold and Pike County Judge Executive Wayne Rutherford, in opinion pieces in Monday's Lexington Herald Leader. According to Bob's article, counties across the state spent roughly \$290 million last year to house prisoners in county jails, \$146 million of which was funded directly by local taxpayers.

And according to a report issued by State Auditor Crit Luallen, Kentucky had the fifth highest percentage growth in inmate population in 2004. Kentucky also ranked second in the number of state and federal inmates that are held in county jails.

There is not much a judge can or should do to keep a convicted individual from going to jail if, after giving appropriate consideration to all available alternatives to incarceration, confinement is in the best interests of the public. But the Kentucky Court of Justice and the Administrative Office of the Courts are working on ways to give our judges a wider range of dispositional alternatives, which have the added benefit of getting more people out of county jails and keeping them out longer.

Drug Court is a shining example of a program intended to keep persons addicted to drugs and alcohol out of jail. Instead of spending time in jail, eligible participants complete an intensive substance abuse program conducted by a team headed by a judge. Drug Court graduates are more likely to return to productive lives and stay gainfully employed in the community, pay child support, pay taxes and meet other obligations.

Since the mid-1980s, court dockets across the nation have become overloaded with drug cases and drug-involved offenders. While incarceration removes individuals from their drug-abusing lifestyles for a period of time, addicts who don't receive treatment, education and life-skills training almost always return to the same cycle of drug use and criminal activity.

Drug Court helps combat those problems through a supervised program that successfully combines a strong treatment component with the legal weight of law enforcement. Substance abuse treatment reduces both addiction and drug-related crime. In addition, Drug Court provides alternative services for about 10 percent of the cost of incarceration. As of today, there are 2,512 participants in Kentucky Adult Drug Court. A recent University of Kentucky Center on Drug and Alcohol Research Study estimates that recidivism rates for drug court grads is 20.2 percent two years post-graduation, as compared to the felony recidivism rate of 57.3 percent.

Several counties also offer Juvenile Drug Court, which provides a similar alternative for juvenile drug offenders.

The Pretrial Diversion Program is another AOC service that is designed to help defendants before they develop long-term, destructive behavior. The program is successful in giving offenders a second chance while recognizing their obligations to their victims, their communities and themselves.

Pretrial Diversion is a voluntary program for offenders charged with misdemeanors or criminal violations. When a defendant successfully completes the program, a recommendation is made to the court to dismiss the charges. To participate in the program, a defendant must be approved by the district judge with the consent of the

county attorney. The program requires a fee based on income using the Federal Poverty Guidelines sliding scale.

Defendants who complete the program receive multiple benefits. They avoid getting a conviction on their record. They also see positive results from helping others and changing their lives through education, training, treatment or counseling. The court system saves costs by reducing the number of court cases. Victims are paid restitution and the community benefits from the volunteer work clients are required to perform. Most importantly to this group, pretrial diversion keeps defendants out of jail.

Along with pretrial diversion, our Monitored Conditional Release (MCR) Program saves counties money by serving as an alternative to ROR. Monitored conditional release allows a judge to release a defendant who is awaiting trial on certain conditions, such as drug testing or payment of child support. AOC pretrial officers then monitor the defendants while on release to ensure they satisfy the court-ordered conditions. The MCR Program keeps defendants out of jail while they are awaiting trial, which saves the counties money. Right now, there are approximately 1,815 individuals out on monitored conditional release. We estimate that in 2007, 540,709 total jail beds were saved at an actual savings to counties of \$17.77 million. 14,377 defendants have been referred to MCR since the inception of the program.

Finally, felony mediation has also been successful in moving cases rapidly through the system and improving time to sentencing (which lessens the time inmates spend in county jails). This program offers circuit judges the opportunity to use felony mediation to address overcrowded dockets and overcrowded jails. Judges in several judicial circuits have held Felony Mediation Days, which allow several cases to be mediated over the course of a single day. Perhaps the best way to describe these mediations is as “enhanced plea bargaining.” With an 88 percent settlement rate, the cases are mediated by neutral senior judges who have mediation training and expertise. Kentucky is one of very few states that offer this program and it has received national attention for its effectiveness. It has proven very successful in saving time and money.

The second topic that I am sure is familiar to many of you is our court facility construction program. Since 1998, the Kentucky Court of Justice has completed, authorized or begun construction on 70 new judicial centers. These new facilities have given Kentucky citizens safe, efficient, cost-effective buildings in which to exercise their legal and constitutional rights.

There are judicial centers under various stages of development throughout Kentucky.

The Court of Justice is currently working on 18 projects authorized by the 2005 General Assembly, 17 projects authorized by the 2006 General Assembly and five projects authorized by the 2008 General Assembly. Each of those projects is now either under construction, under design or in various stages of pre-design and Project Development Board planning. The Kentucky Court of Justice Web site now has

information regarding all of these projects, including pictures, architectural renderings, meeting minutes and financial tracking.

These projects represent an investment of \$870 million over the last decade in much-needed judicial facilities in Kentucky.

For the past 10 years, our Facilities Management System, under the leadership of Garlan VanHook, has exceeded all expectations in its ability to carry out the plan to provide practical, efficient and cost-effective judicial buildings. Kentucky's courthouse construction program now leads the nation in its commitment to quality judicial centers that improve access to justice for all citizens of this Commonwealth regardless of whether these citizens live in large urban areas or lesser-populated areas of the Commonwealth. The projects are a result of collaboration among the Court of Justice, the General Assembly and the individual counties and are truly an achievement to be celebrated.

There are 15 projects slated for the 2010-2016 six-year capital plan, depending on legislative authorization and budgetary limitations. The administrative procedures governing court facility construction projects are located on our Web site and provide a comprehensive overview of the process. I invite those of you in counties that either have judicial centers under construction or are on the list for a new judicial center in the next few years to review the process and provide us with any feedback if you see room for improvement.

In closing, I want to say a word of thanks to Bob Arnold and Mike Foster for giving me this opportunity to meet with you this afternoon. I look forward to working with KACo and with Kentucky's county governments.

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